

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PITTSFIELD GENERATING COMPANY, L.P.,

Plaintiff,

v.

DEVON CANADA CORPORATION,

Defendant.

CIVIL ACTION
NO. 04-30128-MAP

ASSENTED-TO MOTION FOR LEAVE TO FILE
SINGLE BRIEF IN EXCESS OF TWENTY PAGES

On September 17, 2004, defendant Devon Canada Corporation (“Devon”) filed two motions in this action, a Motion To Dismiss For Lack Of Personal Jurisdiction and Forum Non Conveniens and a Motion To Stay In Deference To A Pending Foreign Proceeding. Devon supported each motion with a twenty-page supporting memorandum. Devon also submitted an Appendix of supporting materials.

The issues raised by Devon’s two motions are related and are based on the same facts. Plaintiff Pittsfield Generating Company, L.P. has prepared a single Opposition to Devon’s two motions. The Opposition is twenty-seven (27) pages long, and responds to Devon’s briefs of forty (40) pages. PGC believes that a single brief efficiently addresses the pending issues and avoids the duplication attendant to filing two briefs. PGC requests leave of this Court to submit a single twenty-seven (27) page brief in opposition to the two motions and supporting memoranda filed by Devon.

Devon has assented to this motion.

PITTSFIELD GENERATING COMPANY,
L.P.

By its attorneys,

/s/ David A. Brown
Robert J. Muldoon, BBO# 359480
David A. Brown, BBO# 556161
Jill M. Brannelly, BBO# 655474
Sherin and Lodgen LLP
101 Federal Street
Boston, Massachusetts 02110
(617) 646-2000

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